



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

October 7, 1993

Mr. Nelson Wong, P.E.
Carrier Corporation
P.O. Box 4808
Carrier Parkway, TR-18
Syracuse, New York 13221

Re: Carrier Collierville Site
Notice of Overdue Submittal

Dear Mr. Wong:

As you know, pursuant to the Unilateral Administrative Order (UAO) issued by EPA on February 11, 1993, the Carrier Corporation (Carrier) must resubmit their Remedial Design (RD) Work Plan in accordance with the August 6, 1993 EPA Technical Review and Comments Report on the Draft RD Work Plan. EPA requested that the RD Work Plan be submitted by August 20, 1993. As of the date of this letter, EPA has yet to receive a revised version of this document.

The UAO explicitly states in Section XIII. C. that "Upon receipt of written notice of disapproval and directive for modification, Respondent shall, within thirty (30) days or such time as specified by EPA in its notice of disapproval or request for modification, correct the deficiencies and resubmit the plan, report, or other item for approval." As stated above, EPA requested that the revised RD Work Plan be resubmitted by August 20, 1993. Therefore, EPA considers Carrier to be in violation of the UAO regarding this submittal.

Because there has been much communication between the Region and Carrier's consultant, EnSafe, and because the Region did not submit its comments until August 7, 1993, EPA has not taken any enforcement action to date. However, if the RD Work Plan is not resubmitted immediately, EPA will use all available enforcement mechanisms to ensure compliance with UAO. As set out in the UAO, Carrier may be subject to civil penalties up to \$25,000 for each day in which a violation of the UAO occurs pursuant to CERCLA Section 106(b), 42 U.S.C. § 9606(b). In addition, Carrier may be liable for punitive damages up to three times the amount expended by the fund as a result of Carrier's failure to take the required action.

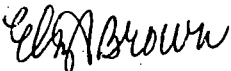


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The Region views its relationship to date with Carrier as a productive and amicable one and hopes this continues. However, further violation of the UAO and the resulting delays in Site work will force the Region to take appropriate enforcement action.

Should you have any question, please contact me at (404) 347-7791.

Sincerely,



Beth Brown
Remedial Project Manager

cc: Harold Taylor
Peter Raack
Craig Wise, EnSafe